

PATENT

Atty. Dkt. No. 113692CON-1 (ATT.0020002)

REMARKS

In view of the above amendment and the following discussion, the Applicants submit that none of the claims now pending in the application is anticipated under the provisions of 35 U.S.C. § 102 or made obvious under the judicially created doctrine of obviousness-type double patenting. Thus, the Applicants believe that all of these claims are now in allowable form.

I. REJECTION OF CLAIMS 37-40, 43-47, 51-54 AND 57-66 FOR OBVIOUSNESS-TYPE DOUBLE PATENTING

The Examiner rejected claims 37-40, 43-47, 51-54 and 57-66 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of United States patent 6,751,417.

Claims 37-40, 43-47, 51-54 and 57-66 have been canceled without prejudice. As such, the present rejection is now moot. However, Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

II. REJECTION OF CLAIMS 37-41 43,44, 46-48, 51-56 AND 59 UNDER 35 U.S.C. § 102

The Examiner has rejected claims 37-41 43,44, 46-48, 51-56 and 59 in the Office Action under 35 U.S.C. § 102 as being anticipated by Lu et al. (US Patent 5,880,865). Claims 37-41 43,44, 46-48, 51-56 and 59 have been canceled without prejudice. The rejection is now moot. However, Applicants reserve the rights to file one or more continuation applications to continue prosecution of these canceled claims.

III. ALLOWABLE SUBJECT MATTER

The Examiner objected to claims 42, 49 and 50 for depending upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Applicants have amended claims 42, 49 and 50 into independent claim form.
Applicants submit that claims 42, 49 and 50 are now in allowable form.


Conclusion

Thus, the Applicants submit that all of these claims now fully satisfy the requirements of 35 U.S.C. §102. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring the issuance of a final action in any of the claims now pending in the application, it is requested that the Examiner telephone Mr. Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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